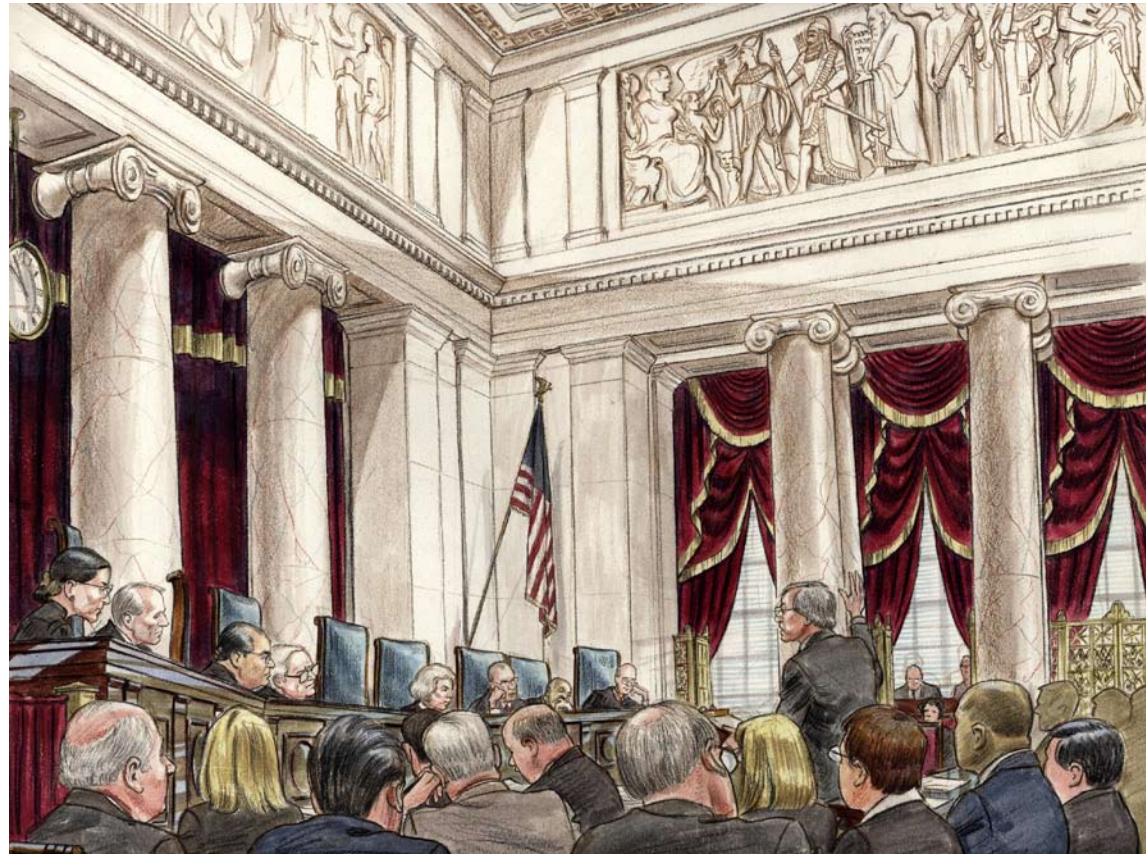


*“This is not to deny that the Commandments have had influence on civil or secular law. . . The point is simply that the original text viewed in its entirety is an unmistakably religious statement . . .*

*When the government initiates an effort to place this statement alone in public view, a religious object is unmistakable.”*

*Justice David Souter,  
in McCreary County,  
Kentucky v.  
ACLU of Kentucky.*



## Kentucky Ten Commandments Cases At The Supreme Court

On the same day the Supreme Court considered the Texas Ten Commandments case, it also heard arguments in a series of cases arising out of efforts by several Kentucky counties (McCreary and Pulaski) to incorporate the Decalogue into a variety of courthouse displays of historical documents. Lawyers for the American Civil Liberties Union argued that the displays violated the First Amendment’s prohibition of an Establishment of Religion. According to the ACLU, because the Ten Commandments is an undeniably religious text, and because the history of the counties’ attempts to post the Decalogue showed that the government’s purpose was plainly a religious one, the displays violated the Constitution. The counties argued that the Decalogue has a dual religious and historical significance and that displaying the Commandments alongside other historical texts shows that the government’s purpose is educational and historical and, thus, permissible under the Constitution.

In a 5-4 decision, the Supreme Court sided with the ACLU. The Court held that the history and evolution of the counties’ series of displays, along with statements made by county officials at the time the original displays were installed, were sufficient evidence of a predominant religious purpose to support the lower court’s granting of an injunction against the displays. The Supreme Court made it clear that even the counties whose displays it was ruling against were not forever barred from revisiting the subject matter: “Nor do we have occasion here to hold that a sacred text can never be integrated into a governmental display on the subject of law, or American history.”

Source: *McCreary County, Kentucky, et al. v. American Civil Liberties Union of Kentucky, et al.*, 125 S.Ct. 2722 (2005).

Illustration: Oral Argument of Ten Commandments Cases at U.S. Supreme Court, March 2, 2005. © Art Lien, 2005.

*“Display of the Ten Commandments is well within the mainstream . . . Federal, State, and local governments across the Nation have engaged in such display. The frequency of these displays testifies to the popular understanding that the Ten Commandments are a foundation of the rule of law, and a symbol of the role that religion played, and continues to play, in our system of government.”*

*Justice Antonin Scalia,  
in McCreary County,  
Kentucky v.  
ACLU of Kentucky.*